Datatreasury Corporation v. City National Corporation et al Doc. 13 Att. 10

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP.,	§	No. 2:06CV-165 (DF)
	§	Hon. David J. Folsom
Plaintiff	§	JURY TRIAL DEMANDED
	§	
vs.	§	**DECLARATION OF ARTHUR**
	§	**SPENCE IN SUPPORT OF**
CITY NATIONAL CORPORATION; and	§	**DEFENDANTS' MOTION TO**
CITY NATIONAL BANK,	§	**DISMISS FOR LACK OF PROPER**
	§	**VENUE**
Defendants.	§	

I, Arthur Spence, declare as follows:

1. I am currently the Assistant Secretary of both City National Corporation (the "Corporation") and City National Bank (the "Bank"). I am also the Associate General Counsel of the Bank. I am responsible as Assistant Secretary for assisting in board and shareholder meetings of the Corporation and Bank as well as, in my capacity as Associate General Counsel, the management of litigation. As Assistant Secretary of the Corporation, I am also aware of all of the actions of the Corporation. I make this declaration in support of Defendants' Motion to Dismiss for Lack of Proper Venue in the matter of DataTreasury Corp. v. City National Corporation, *et al.*, No. 2:06CV-165 (DF), pending in the United States District Court for the Eastern District of Texas. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The Corporation has never conducted any meetings of its board or shareholders in the Eastern District of Texas.

3. The Corporation is a merely a holding company. The Corporation is not FDIC insured and is not authorized to perform any banking-related services. In other words,

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the Corporation does not process checks or other financial transaction records, and does not make, use or sell products related to the processing of checks or other financial records. Similarly, the Corporation is not a member of either The Clearing House Payments Company, LLC or Small Value Payments Co., LLC.

4. The Bank has never conducted any meetings of its board of directors or shareholders in the Eastern District of Texas.

5. The Bank has never initiated suit in nor otherwise sought to utilize the court system of the Eastern District of Texas.

6. The Bank is not affiliated with the "City National Bank" whose website is located at www.citynationalbank.com. According to that website, an entity called "City National Bank" has several branches in East Texas, including branches with addresses in Longview, Texas; Kilgore, Texas; and Gladewater, Texas. Neither that entity, nor its branches in Texas, are connected in any way to the Bank or the Corporation.

Executed on May 31, 2006, at Los Angeles, CA

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Arthur Spence